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**DR. CHRIS KIRKPATRICK WHISTLE-BLOWER PROTECTION ACT OF 2017**

Mr. BLUM. Mr. Speaker, pursuant to House Resolution 562, I call up the bill (S. 585) to provide greater whistleblower protections for Federal employees, increased awareness of Federal whistleblower protections, and increased accountability and required discipline for Federal supervisors who retaliate against whistleblowers, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 562, the bill is considered read.

The text of the bill is as follows:

S. 585

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—EMPLOYEES GENERALLY**

Sec. 101. Definitions.

Sec. 102. Stays; probationary employees.

Sec. 103. Prohibited personnel practices.

Sec. 104. Discipline of supervisors based on retaliation against whistleblowers.

Sec. 105. Suicide by employees.

Sec. 106. Training for supervisors.

Sec. 107. Information on whistleblower protections.

**TITLE II—DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES**

Sec. 201. Prevention of unauthorized access to medical records of employees of the Department of Veterans Affairs.

Sec. 202. Outreach on availability of mental health services available to employees of the Department of Veterans Affairs.

Sec. 203. Protocols to address threats against employees of the Department of Veterans Affairs.

Sec. 204. Comptroller General of the United States study on accountability of chiefs of police of Department of Veterans Affairs medical centers.

**TITLE I—EMPLOYEES GENERALLY****SEC. 101. DEFINITIONS.**

In this title—

(1) the term “agency”—

(A) except as provided in subparagraph (B), means an entity that is an agency, as defined under section 2302 of title 5, United States Code, without regard to whether one or more portions of title 5 of the United States Code are inapplicable to the entity; and

(B) does not include any entity that is an element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4));

(2) the term “employee” means an employee (as defined in section 2105 of title 5, United States Code) of an agency; and

(3) the term “personnel action” has the meaning given that term under section 2302 of title 5, United States Code.

**SEC. 102. STAYS; PROBATIONARY EMPLOYEES.**

(a) **REQUEST BY SPECIAL COUNSEL.**—Section 1214(b)(1) of title 5, United States Code, is amended by adding at the end the following:

“(E) If the Merit Systems Protection Board grants a stay under this subsection, the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.”.

(b) **PROBATIONARY EMPLOYEES.**—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

“(k) If the Merit Systems Protection Board grants a stay to an employee in probationary status under subsection (c), the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.”.

(c) **STUDY REGARDING RETALIATION AGAINST PROBATIONARY EMPLOYEES.**—The Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report discussing retaliation against employees in probationary status.

**SEC. 103. PROHIBITED PERSONNEL PRACTICES.**

Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (12), by striking “or” at the end;

(2) in paragraph (13), by striking the period at the end and inserting “; or”; and

(3) by inserting after paragraph (13) the following:

“(14) access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13).”.

**SEC. 104. DISCIPLINE OF SUPERVISORS BASED ON RETALIATION AGAINST WHISTLE-BLOWERS.**

(a) **IN GENERAL.**—Subchapter II of chapter 75 of title 5, United States Code, is amended by adding at the end the following:

“§ 7515. Discipline of supervisors based on retaliation against whistleblowers

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘agency’—

(A) except as provided in subparagraph (B), means an entity that is an agency, as defined under section 2302, without regard to whether any other provision of this chapter is applicable to the entity; and

(B) does not include any entity that is an element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4));

“(2) the term ‘prohibited personnel action’ means taking or failing to take an action in violation of paragraph (8), (9), or (14) of section 2302(b) against an employee of an agency; and

“(3) the term ‘supervisor’ means an employee who would be a supervisor, as defined under section 7103(a), if the entity employing the employee was an agency.

“(b) **PROPOSED DISCIPLINARY ACTIONS.**—

“(1) **IN GENERAL.**—If the head of the agency employing a supervisor, an administrative law judge, the Merit Systems Protection Board, the Special Counsel, a judge of the United States, or the Inspector General of the agency employing a supervisor determines that the supervisor has committed a prohibited personnel action, the head of the agency employing the supervisor, in accordance with the procedures required under paragraph (2)—

“(A) for the first prohibited personnel action committed by a supervisor—

“(i) shall propose suspending the supervisor for a period of not less than 3 days; and

“(ii) may, in addition to a suspension described in clause (i), propose any other action, including a reduction in grade or pay, that the head of the agency determines appropriate; and

“(B) for the second prohibited personnel action committed by a supervisor, shall propose removing the supervisor.

“(2) **PROCEDURES.**—

“(A) **NOTICE.**—A supervisor against whom an action is proposed to be taken under paragraph (1) is entitled to written notice—

“(i) stating the specific reasons for the proposed action; and

“(ii) informing the supervisor of the right of the supervisor to review the material which is relied on to support the reasons for the proposed action.

“(B) **ANSWER AND EVIDENCE.**—

“(i) **IN GENERAL.**—A supervisor who is notified under subparagraph (A) that the supervisor is the subject of a proposed action under paragraph (1) is entitled to 14 days following such notification to answer and furnish evidence in support of the answer.

“(ii) **NO EVIDENCE FURNISHED; INSUFFICIENT EVIDENCE.**—After the end of the 14-day period described in clause (i), if a supervisor does not furnish evidence as described in clause (i) or if the head of the agency determines that such evidence is not sufficient to reverse the proposed action, the head of the agency shall carry out the action.

“(C) **SCOPE OF PROCEDURES.**—An action carried out under this section—

“(i) except as provided in clause (ii), shall be subject to the same requirements and procedures (including regarding appeals) as an action under section 7503, 7513, or 7543; and

“(ii) shall not be subject to—

“(I) paragraphs (1) and (2) of section 7503(b);

“(II) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7513; or

“(III) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7543.

“(3) **DELEGATION.**—

“(A) **IN GENERAL.**—Except as provided in paragraph (B), the head of an agency may delegate any authority or responsibility under this subsection.

“(B) **NONDELEGABILITY OF DETERMINATION REGARDING PROHIBITED PERSONNEL ACTION.**—If the head of an agency is responsible for determining whether a supervisor has committed a prohibited personnel action for purposes of paragraph (1), the head of the agency may not delegate that responsibility.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for subchapter II of chapter 75 of title 5, United States Code, is amended by adding at the end the following:

“7515. Discipline of supervisors based on retaliation against whistleblowers.”.

**SEC. 105. SUICIDE BY EMPLOYEES.**

(a) **REFERRAL.**—The head of an agency shall refer to the Special Counsel, along with any information known to the agency regarding the circumstances described in paragraphs (2) and (3), any instance in which the head of the agency has information indicating—

(1) an employee of the agency committed suicide;

(2) prior to the death of the employee, the employee made any disclosure of information which reasonably evidences—

(A) any violation of any law, rule, or regulation; or

(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(3) after a disclosure described in paragraph (2), a personnel action was taken against the employee.

(b) **OFFICE OF SPECIAL COUNSEL REVIEW.**—For any referral to the Special Counsel under subsection (a), the Special Counsel shall—

(1) examine whether any personnel action was taken because of any disclosure of information described in subsection (a)(2); and

(2) take any action the Special Counsel determines appropriate under subchapter II of chapter 12 of title 5, United States Code.

#### SEC. 106. TRAINING FOR SUPERVISORS.

In consultation with the Special Counsel and the Inspector General of the agency (or senior ethics official of the agency for an agency without an Inspector General), the head of each agency shall provide training regarding how to respond to complaints alleging a violation of whistleblower protections (as defined in section 2307 of title 5, United States Code, as added by section 107) available to employees of the agency—

(1) to employees appointed to supervisory positions in the agency who have not previously served as a supervisor; and

(2) on an annual basis, to all employees of the agency serving in a supervisory position.

#### SEC. 107. INFORMATION ON WHISTLEBLOWER PROTECTIONS.

(a) EXISTING PROVISION.—

(1) IN GENERAL.—Section 2302 of title 5, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 4505a(b)(2) of title 5, United States Code, is amended by striking “section 2302(d)” and inserting “section 2302(c)”.

(B) Section 5755(b)(2) of title 5, United States Code, is amended by striking “section 2302(d)” and inserting “section 2302(c)”.

(C) Section 110(b)(2) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note) is amended by striking “section 2302(f)(1) or (2)” and inserting “section 2302(e)(1) or (2)”.

(D) Section 1217(d)(3) of the Panama Canal Act of 1979 (22 U.S.C. 3657(d)(3)) is amended by striking “section 2302(d)” and inserting “section 2302(c)”.

(E) Section 1233(b) of the Panama Canal Act of 1979 (22 U.S.C. 3673(b)) is amended by striking “section 2302(d)” and inserting “section 2302(c)”.

(b) PROVISION OF INFORMATION.—Chapter 23 of title 5, United States Code, is amended by adding at the end the following:

#### “§ 2307. Information on whistleblower protections

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’—

“(A) except as provided in subparagraph (B), has the meaning given that term in section 2302; and

“(B) does not include any entity that is an element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4));

“(2) the term ‘new employee’ means an individual—

“(A) appointed to a position as an employee of an agency on or after the date of enactment of the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017; and

“(B) who has not previously served as an employee; and

“(3) the term ‘whistleblower protections’ means the protections against and remedies for a prohibited personnel practice described in paragraph (8), subparagraph (A)(i), (B), (C), or (D) of paragraph (9), or paragraph (14) of section 2302(b).

“(b) RESPONSIBILITIES OF HEAD OF AGENCY.—The head of each agency shall be responsible for the prevention of prohibited personnel practices, for the compliance with and enforcement of applicable civil service laws, rules, and regulations, and other aspects of personnel management, and for en-

suring (in consultation with the Special Counsel and the Inspector General of the agency) that employees of the agency are informed of the rights and remedies available to them under this chapter and chapter 12, including—

“(1) information regarding whistleblower protections available to new employees during the probationary period;

“(2) the role of the Office of Special Counsel and the Merit Systems Protection Board with regard to whistleblower protections; and

“(3) how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures.

“(c) TIMING.—The head of each agency shall ensure that the information required to be provided under subsection (b) is provided to each new employee of the agency not later than 6 months after the date the new employee begins performing service as an employee.

“(d) INFORMATION ONLINE.—The head of each agency shall make available information regarding whistleblower protections applicable to employees of the agency on the public website of the agency, and on any online portal that is made available only to employees of the agency if one exists.

“(e) DELEGATES.—Any employee to whom the head of an agency delegates authority for personnel management, or for any aspect thereof, shall, within the limits of the scope of the delegation, be responsible for the activities described in subsection (b).”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by adding at the end the following:

“2307. Information on whistleblower protections.”.

### TITLE II—DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES

#### SEC. 201. PREVENTION OF UNAUTHORIZED ACCESS TO MEDICAL RECORDS OF EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) develop a plan to prevent access to the medical records of employees of the Department of Veterans Affairs by employees of the Department who are not authorized to access such records;

(B) submit to the appropriate committees of Congress the plan developed under subparagraph (A); and

(C) upon request, provide a briefing to the appropriate committees of Congress with respect to the plan developed under subparagraph (A).

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A detailed assessment of strategic goals of the Department for the prevention of unauthorized access to the medical records of employees of the Department.

(B) A list of circumstances in which an employee of the Department who is not a health care provider or an assistant to a health care provider would be authorized to access the medical records of another employee of the Department.

(C) Steps that the Secretary will take to acquire new or implement existing technology to prevent an employee of the Department from accessing the medical records of another employee of the Department without a specific need to access such records.

(D) Steps the Secretary will take, including plans to issue new regulations, as necessary, to ensure that an employee of the Department may not access the medical records of another employee of the Department for the purpose of retrieving demographic information if that demographic information is available to the employee in another location or through another format.

(E) A proposed timetable for the implementation of such plan.

(F) An estimate of the costs associated with implementing such plan.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Veterans’ Affairs of the Senate; and

(2) the Committee on Oversight and Government Reform and the Committee on Veterans’ Affairs of the House of Representatives.

#### SEC. 202. OUTREACH ON AVAILABILITY OF MENTAL HEALTH SERVICES AVAILABLE TO EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs shall conduct a program of outreach to employees of the Department of Veterans Affairs to inform those employees of any mental health services, including telemedicine options, that are available to them.

#### SEC. 203. PROTOCOLS TO ADDRESS THREATS AGAINST EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs shall ensure protocols are in effect to address threats from individuals receiving health care from the Department of Veterans Affairs directed towards employees of the Department who are providing such health care.

#### SEC. 204. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON ACCOUNTABILITY OF CHIEFS OF POLICE OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.

The Comptroller General of the United States shall conduct a study to assess the reporting, staffing, accountability, and chain of command structure of the Department of Veterans Affairs police officers at medical centers of the Department.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. BLUM) and the gentleman from Maryland (Mr. CUMMINGS) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa.

#### GENERAL LEAVE

Mr. BLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 585, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BLUM. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of S. 585, the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017.

This bill addresses problems that were exposed in the tragic case of whistleblower retaliation at the Department of Veterans Affairs.

Dr. Chris Kirkpatrick was a doctor employed on a probationary basis by

Veterans Affairs, who committed suicide hours after he was fired for questioning overmedication of the veterans he cared for.

This bill would, for the first time, create minimum disciplinary standards to require that managers who retaliate against whistleblowers are punished. First offenders would receive at least 3 days of suspension, and repeat offenders would face mandatory termination.

The Kirkpatrick Act also adds whistleblower protections to Federal employees hired on a probationary basis, like Dr. Kirkpatrick. Agencies will be required to grant priority to requests for transfer from probationary period whistleblowers.

The bill would create a number of other whistleblower protections, many of which are overdue. For example, accessing the medical file of a whistleblower for the purpose of retaliation would be declared a prohibited personnel action. The Department of Veterans Affairs would also be required to devise a plan to prevent that sort of unauthorized medical file access.

The bill also requires apparent suicides by whistleblowers to be referred to the Office of Special Counsel for further investigation. Agencies would be required to initiate training programs for supervisors and information disclosures for employees regarding whistleblower protection.

The Senate passed this bill by voice vote earlier this year, and passage through the House would send the bill to the President's desk for signature and enactment.

I urge my colleagues to support this bill to honor the memory of Dr. Chris Kirkpatrick and to protect future whistleblowers.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking member of the Oversight and Government Reform Committee, the committee with oversight jurisdiction over Federal workers and agencies, I am one of the staunchest supporters of whistleblower protections in the Congress. I strongly support enhancing protections for the brave men and women who put their careers on the line to speak out against waste, fraud, and abuse.

I fully support the intent of S. 585 to protect whistleblowers who face investigations in retaliation for their disclosures. But I am disappointed that the Republican leadership chose not to consider this measure under regular order.

House Republicans rushed this legislation directly to the floor, bypassing any consideration by the Oversight Committee or the Veterans' Affairs Committee, which have jurisdiction over the bill. It is especially disappointing that my committee was not given the opportunity to address constitutional and privacy concerns raised by the Trump administration's Office of Personnel Management about the

bill. That is what I said: the Trump administration's concerns about it.

It is even more disheartening that the Rules Committee issued a closed rule for this bill. They blocked all three germane amendments that I submitted, including an amendment to fix the problems identified by the OPM.

The measure before us today would change the procedures for disciplining Federal supervisors who retaliate against employees who blow the whistle. It would require agency heads to impose suspensions of at least 3 days for a first offense, and termination for a second offense whenever an agency head, administrative law judge, the Merit Systems Protection Board, a Federal judge, or an inspector general finds that a supervisor retaliated against an employee who blew the whistle.

It also would reduce the length of the notice requirement for proposed disciplinary action from 30 days to 14 days. It would eliminate the option to hold a hearing if a supervisor contests a proposed disciplinary action. It would change the current burden of proof for demonstrating retaliation from a preponderance of the evidence to require agency heads to impose disciplinary action in any case in which a supervisor does not furnish evidence or if the head of the agency determines that such evidence is not sufficient to reverse the proposed action.

The bill also would require an agency head, when an employee may have committed suicide, to refer any information to the Office of Special Counsel indicating that the employee had blown the whistle and that the agency took personnel action against the employee.

The OPM has questioned whether some of the provisions in the bill would withstand constitutional scrutiny if challenged in court, and I agree with the OPM on that issue.

For example, the OPM explained that the bill's requirement to propose minimum penalties of 3 days' suspension for the first offense and termination for second offenses could violate due process protections. These protections require agencies to notify employees of factors they will consider regarding proposed penalties for findings of wrongdoing and to provide employees with meaningful opportunities to respond. The United States Supreme Court and Federal Circuit Courts have ruled that Federal employees are entitled to these protections. After all, they are Americans.

But according to the OPM, the bill would eliminate agency consideration of many of the 12 factors that were set forth by the Merit Systems Protection Board in *Douglas v. Veterans Administration* in 1981. The Board uses these so-called Douglas factors to assess the reasonableness of penalties, and agency officials who propose or decide adverse actions against employees must concurrently consider these factors.

Concerns have also been raised that by reducing the current requirement

for 30 days' notice of adverse action to 14 days, lowering the existing burden of proof, and eliminating the option for hearings, the bill could be challenged on the basis that it does not give supervisors sufficiently meaningful opportunities to respond to accusations of retaliation.

In addition, although the intent of the bill is to enhance protections for whistleblowers, there is some concern that it would be misused to harm whistleblowers. For example, an agency head could utilize the bill's abbreviated disciplinary processes in bad faith to retaliate against supervisors who blow the whistle on high-level waste, fraud, or abuse.

Lastly, the provision requiring agency heads to refer information to the Office of Special Counsel regarding employees who may have committed suicide raises important privacy questions. The bill does not include any provision requiring agencies to obtain permission from family members before sharing information about an employee's death. It is unfortunate that the House has failed to take the opportunity to fix these flaws in this measure.

The second amendment that I presented would have protected the privacy interests of employees who commit suicide by requiring written permission from their next of kin before agency heads disclose the details about the death.

And another amendment that I submitted would have made corrections in the underlying bill to ensure that managers who violate whistleblower rights will be held accountable, while safeguarding due process rights.

Finally, the third amendment was the text of my bipartisan bill, H.R. 702, the Federal Employee Anti-Discrimination Act of 2017, which passed the House by a voice vote under suspension of the rules earlier in this Congress, and also passed the House by a vote of 403-0 in the last Congress.

This amendment would have expanded the protections for employees who suffer retaliation and discrimination. It also would have prohibited the use of nondisclosure agreements to prevent employees from disclosing waste, fraud, or abuse to Congress, to the Office of Special Counsel, and inspector generals.

I expect the bill, as it now stands, to engender substantial litigation that may have to be addressed by the courts. It would, indeed, be unfortunate if that litigation resulted in overturning disciplinary action against an employee who retaliated against a whistleblower, when we could have acted today to address the constitutional concerns.

As I said before the Rules Committee, sometimes I think we can get so caught up in our partisan battles, that even when we come with good suggestions as to how to make a piece of legislation better and more effective and certainly come within the bounds

of the Constitution, we are blinded by what we see; and that is this battle between Republicans and Democrats, Mr. Speaker, and we don't come up, sometimes with the very best product.

But even with all that, because I am so concerned about whistleblowers, I plan to vote for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUM. Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I rise in strong support of the Dr. Chris Kirkpatrick Whistleblower Protection Act, which will enhance whistleblower protections for employees at the VA and lead to better care for our Nation's veterans.

This bill is named in honor of Dr. Chris Kirkpatrick, a Wisconsinite, who tragically took his own life after being fired from the Tomah VA Medical Center in my congressional district in Tomah, Wisconsin.

Dr. Kirkpatrick was a clinical psychologist who specialized in treating some of the toughest and most pressing issues our veterans face today: PTSD, substance abuse, and chronic pain.

During his time at Tomah, Dr. Kirkpatrick noticed a disturbing trend of overprescribing of opioids to patients.

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Dr. Kirkpatrick had the courage to blow the whistle to his superiors about what he rightly saw as dangerous pain management practices at the time. Sadly, the overprescribing issues that Dr. Kirkpatrick tried to warn about continued to occur at Tomah VA.

In 2015, a Wisconsin veteran named Jason Simcakoski tragically lost his life at the facility due to the dangerous pain management practices at the Tomah VA. Last year, I worked with the Simcakoski family to pass the bipartisan Jason Simcakoski PROMISE Act to improve pain management practices at the VA so that no other veterans and their families have to go through what the Simcakoski family had to.

Although Dr. Kirkpatrick is no longer with us today, his dedication to serving veterans and his courage to stand up for what was right is why we are here today. This act will ensure that no one is retaliated against for coming forward with concerns about waste, fraud, abuse, and malpractice at the VA. The bill offers a number of new protections for whistleblowers and will help ensure that supervisors found guilty of retaliation are held responsible for their actions.

Dr. Kirkpatrick was dedicated to improving lives and serving our Nation's veterans. The bill before us today will honor the memory of Dr. Kirkpatrick by helping to make sure no one has to go through what he did.

Mr. Speaker, I encourage my colleagues to support this legislation.

Mr. BLUM. Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), the ranking member of the Transportation and Infrastructure Committee and one who has been a staunch supporter of whistleblowers.

Mr. DEFAZIO. Mr. Speaker, I would agree with many of the gentleman's concerns and comments regarding the lack of a real legislative process here. The bill could be better. But nonetheless, like the ranking member, I will be supporting the legislation despite those concerns because it is absolutely urgent.

I have a totally dysfunctional management at the VA hospital in Roseburg, Oregon. A number of years ago, a whistleblower came to me and said that substandard care was being provided. We asked the Office of Inspector General to look into it. They whitewashed it, and then it came out in the Senate testimony that the Office of Special Counsel had found that this doctor had been penalized as a whistleblower because he was pointing to substandard care.

I asked for another investigation and ultimately found, yes, indeed, substandard care was being provided by the head surgeon. He was suspended from his duties but is still the head surgeon. Now he has run another very accomplished doctor, under very dubious circumstances, out of my Eugene clinic. This is a surgeon who served 29 years, honorably, in the military, 10 years at my regional hospital with rave reviews, and, after 30 days at my new VA clinic in Eugene, was dismissed in the most unusual way with no allegations put forward.

Mr. Speaker, again, it seems that we are having issues here when the quality is substandard that this one person is able to basically just get rid of the folks who are raising concerns about the care of veterans. Again, this shouldn't happen.

Mr. Speaker, I include in the record two letters regarding the dismissed doctor.

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DEAR MR. DEFAZIO: I am a contracted physician in the emergency department at the Roseburg VA. I have been working at this facility since 2010. During that time I have truly enjoyed providing care for the veterans. However, I have significant concerns regarding the administration and inefficiencies in healthcare, in the VA system. Unfortunately, it seems that advancement of careers and the fluffing of numbers supersede patient care.

Despite the build up of these concerns over the years, I have recently become aware of an action that compels me to go beyond the normal chain of command. One of the surgeons working at the Eugene campus—still under the Roseburg administration—was fired recently under very concerning circumstances.

Dr. Scott Russi was working at the Eugene VA for less than 1 month when he was pushed out and fired. I know Dr. Russi from the private sector. In addition to working at the Roseburg VA, I have worked for the last

ten years at Sacred Heart RiverBend—a trauma, stroke, and cardiac center—and one of the largest hospitals in the state. I worked alongside Dr. Russi for many years at RiverBend and I found him to be not only extremely competent and hardworking, but always very professional. I was sad to see him leave RiverBend, but I was encouraged that he would be working in the VA system as I felt he would significantly improve the quality of care for the veterans.

I find it very disheartening that a group of administrative physicians, who rarely practice medicine, are able to strike down such a promising figure simply because they seem to have felt threatened by him. I know there are many people who are upset by this firing and who have concerns about this system in general. I have tried many times to discuss my concerns with people in the administration and have been met with, at best, excuses and, at worst, threats. It is clear to me as somewhat of an outsider and observer (as I am not actually a VA employee) that physicians who are dedicated to patient care and most skilled are threatening to the administration. These physicians are often ostracized and pushed out—and when they can't be pushed out, false rumors are spread about them. I have considered stepping away from the VA system due to these continuing frustrations. It is disheartening to see these veterans treated with such carelessness. However, I feel that someone has to stay and actually care for them, but, if I stay, I also want to try to make the system a better place for them. For many, this is their only health care.

I wish this was as exaggerated as it may sound, but unfortunately this is only a small piece of a huge problem. If you are interested in more details, I am more than happy to discuss this further. In general, I keep my head down and do what I think is best, but this presents itself as a moment when speaking out is necessary and right.

Thank you,

CHARLOTTE RANSOM, MD.

CONGRESSMAN DEFAZIO: I am writing to ask for your help. I am a surgeon and a veteran having attended the Usafa and graduating in 1984, completing medical school on Hpsp scholarship and spending the next 29 years on active duty. I deployed four times as a combat surgeon and once as a hospital commander, my last deployment in 2012 was as the Dccs of Craig Joint Theater Hospital, Bagram Ab, Afghanistan. I retired in October of 2013 and settled in Oregon as a trauma surgeon eventually becoming the Trauma Medical Director at Riverbend. I was the on-call surgeon the tragic day Ucc suffered the active shooter event. I recently left my civilian practice to serve our Veterans, for reasons I think you would understand; I have seen the care my comrades have been given and found it wanting, and serving my Vets is therapeutic for my Ptsd and the sorrow I carry for not being able to save more soldiers. I am the new surgeon at the Va Eugene Hcc and have been working there part-time since January of this year and full time since 23 July. Today I was handed a summary suspension of clinical privileges as a surgeon by the parent Va, Roseburg and Dr. Dinesh Ranjan the chief of surgery. I have been denied the opportunity to defend my reputation, denied the opportunity to stand before my peers, and denied any opportunity to see the allegations. And tonight, I have spoken with two Va physicians (Dr. Lisa Brandenburger and Dr. Philo Calhoun) whose lives were dedicated to serving Veterans but were irreparably damaged by Dr. Ranjan. I am now being targeted by Dr. Ranjan because he recruited me with the promise of a salary of \$385,000, I signed a contract for that

amount but I am being paid \$280,000. Because I expressed to the Eugene Hcc administrator I felt I was misled about the salary, Dr. Ranjan has gone after my clinical privileges, had them summarily dismissed and placed me at risk of being reported to the National Practitioner Data Bank (Npdb). I have been suspended from patient contact for 30 days for an investigation. If the investigation finds me deficient, I will be reported to the Npdb. If the investigation extends beyond 30 days, I will be reported to the Npdb. If I am fired or quit my job, I will be reported to the Npdb. If I am reported to the Npdb I will never work again as a surgeon.

I know it all sounds unbelievable, I think it is unbelievable as I try and wrap my head around the events of these last few days. I ask you not to send a congressional inquiry to Mr. Paxton, as that would make my life worse. What I thought would be my dream job, now has become a nightmare.

Respectfully,

SCOTT RUSSI.

Mr. DEFAZIO. Mr. Speaker, since this has come out, I have had dozens of calls from nurses and doctors and other workers in the VA system in my region—in Eugene, Springfield, and southern Oregon, down to Roseburg, at those two facilities—because of this mismanagement. They say that the care is not up to standards, just like this particular physician was not providing modern care when he did colonoscopies.

We need—vitality need—this legislation and the strongest protection for whistleblowers. This isn't about protecting bad managers. It is about promoting qualified and keeping qualified employees, which we are having a hard time doing in my area. It is about providing the best care to our veterans, and that isn't going to happen if people can be intimidated or just shown the door when they raise concerns.

Mr. BLUM. Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Hampshire (Ms. KUSTER).

Ms. KUSTER of New Hampshire. Mr. Speaker, I thank Ranking Member CUMMINGS for yielding me time to speak about this important legislation to protect whistleblowers.

Mr. Speaker, I share the concerns that were brought up yesterday in the Rules Committee and today on the floor about the procedure for bringing this bill to the floor without full House committee process. However, I will support the bill because it is so important.

The Dr. Chris Kirkpatrick Whistleblower Protection Act will provide protection for employees at the Department of Veterans Affairs who blow the whistle on wrongdoing in the agency.

As the ranking member of the House Veterans' Affairs Subcommittee on Oversight and Investigations, I know full well that whistleblowers are vital to the VA to protect the health and well-being of the men and women who have so bravely served our country. Although we have numerous protections currently in place for whistleblowers, those who are committed to silencing

them still manage to find ways to retaliate, which we saw with tragic consequences at the Phoenix VA Health Care System and in Dr. Kirkpatrick's case.

In addition to serving on the House Veterans Affairs' Committee, my role as the founder and co-chair of the Bipartisan Heroin Task Force makes VA's retaliation against another VA doctor, Dr. Kirkpatrick, an especially troublesome tragedy. When he tried to raise the alarm over concerns that another VA doctor was overprescribing opioids that may have led to patient deaths, he was aware that doing so could be harmful to his own position at the Tomah VA Medical Center.

Dr. Kirkpatrick's action was laudable. Veterans have been acutely impacted by the opioid epidemic, and his efforts to reduce prescription rates for veterans is not only a good example for VA physicians, but for all physicians in the U.S. today.

Title II of this bill puts in place a number of requirements for the VA to protect VA employees from several retaliatory measures. It requires the Secretary to put in place a plan to prevent unauthorized access to medical records of VA employees, along with outreach to ensure that VA employees are aware of mental health services available to them.

These and other improvements in title II will not only help prevent the type of retaliation that Dr. Kirkpatrick suffered, they will improve care for veterans to also help make the VA a better place to work.

Mr. Speaker, I am pleased to support this bill, and I urge my colleagues to do the same.

Mr. BLUM. Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

As I close, I take the opportunity to reiterate that I strongly support the objectives of S. 585. If there is anything that we agree on in the Oversight and Government Reform Committee, it is that we must protect whistleblowers.

Many of the investigations that we have conducted have been as a result of somebody who saw something and said something. Like Dr. Kirkpatrick, I am sure, in most of those instances, it was very difficult for them because they, on the one hand, wanted to improve a situation or address a problem, but at the same time, they knew that it was possible that they, themselves, might be harmed and their families might be harmed. So they make a very, very difficult choice, a very difficult choice.

I am horrified that Dr. Kirkpatrick was so agonized by the treatment he endured at the Veterans Administration that he saw no options for himself. In other words, Mr. Speaker, he saw no way out. I worry that there are civil servants today who are enduring that same agony.

But we say to them that we will protect you with all we have got, and that is why I appreciate Senator JOHNSON'S

work on S. 585, and I share his commitment to protecting whistleblowers. For that reason, as I said earlier, I will vote in favor of this legislation.

That said, I wish that the Republican leadership had taken the opportunities that my amendments provided to improve this bill. These issues of equal protection are nothing to play with because we begin to chip away and chip away and chip away at employees' rights, and the next you know, those rights begin to disappear. Those are the kind of rights that are a part and the fabric of this thing we call a democracy. I think we have to be very, very, very careful. It is going to be interesting to see what the courts have to say about this legislation.

My amendments would have addressed the constitutional concerns raised by OPM—and I emphasize OPM. This was not the Obama OPM. This was the Trump OPM.

My amendments would also have protected the privacy of employees who take their own lives.

My amendments would have added to the underlying bill additional protections for employees who suffer retaliation or discrimination, protections that the House has already approved.

I believe this is a missed opportunity and it is sad. I truly hope that future litigation does not undo the advances that this bill seeks to make in the protections provided for the courageous men and women willing to blow the whistle on wrongdoing. In this day and age, we need the whistleblower more now than we have ever needed them.

Mr. Speaker, I urge the Members to support this bill to protect some of the boldest, most courageous people in our Nation, the whistleblowers.

Mr. Speaker, I yield back the balance of my time.

Mr. BLUM. Mr. Speaker, in closing, I urge adoption of the bill, and I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I rise today in support of S. 585 the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017. As Chairman of the Committee on Veterans' Affairs, protecting whistleblowers at VA is of paramount concern to ensure that we provide high quality healthcare and benefits to our nation's veterans.

This bill authored by Senator JOHNSON of Wisconsin was named in honor of Dr. Christopher Kirkpatrick, a former VA doctor who served our veterans at the Tomah, WI medical center. Many of us know that the Tomah VA medical center has been a facility plagued with the overprescribing of opioids to our veterans. Dr. Kirkpatrick was a brave patriot who blew the whistle on these over prescriptions and the harm that was being done to veterans, however, instead of commending him for coming forward, VA fired him on trumped up charges, which ultimately led to him taking his own life.

In my opinion, the corrosive culture within this facility and VA's actions toward Dr. Kirkpatrick left a chilling effect not only in Tomah, but across the Department. I believe that these actions made whistleblowers feel questioned and worried that they would be punished instead of being lauded and encouraged to come forward.

It is because of brave whistleblowers like Dr. Kirkpatrick that my Committee has been able to expose issues and scandals across the VA. It is because of whistleblowers that we were able to uncover the manipulation of wait times at the Phoenix Medical Center; the falsifying of records in the Philadelphia Regional Office; the fact that a VA employee participated in an armed robbery in Puerto Rico and stayed on the job following their arrest; and many more egregious behaviors at the Department that put veterans in harm's way.

I have confidence that Secretary Shulkin is committed to protecting whistleblowers, so that we never again lose another talented doctor, like Dr. Kirkpatrick. The best way to help him in this mission is to send a clear message to all VA employees, at every level in the Department, and within every level of management, that there are stiff penalties for those who retaliate against the men and women who are brave enough to come forward and protect veterans.

S. 585 builds off of our work this Congress that started with the passage of the bill I championed, the VA Accountability and Whistleblower Protection Act of 2017, which provides the Secretary of Veterans Affairs the tools he needs to hold poor employees accountable. I am pleased that the bill before us today would make needed changes to our outdated civil service laws for all Federal Government employees, which have become so archaic and complex that they tend to put the rights of retaliators above the rights of whistleblowers.

The bill before us would also provide needed reforms to information regarding VA employees who die by suicide, additional penalties for accessing a veteran's medical record, and other needed provisions to ensure that we put the needs of whistleblowers and veterans first.

I appreciate Senator JOHNSON and Representative DUFFY for their work on this important bill and I encourage all of my colleagues to support its passage.

Mr. DUFFY. Mr. Speaker, today, Congress will have an opportunity to vote on legislation that will bolster protections for whistleblowing patriots, while vastly improving care for veterans at the VA.

The Dr. Chris Kirkpatrick Whistleblower Protection Act is the product of hundreds of hours of Congressional hearings, meetings with stakeholders, and hard work by dozens of lawmakers here in Washington, to make sure that the tragic abuse that Dr. Kirkpatrick faced will never happen again.

As some of you may know, Dr. Chris Kirkpatrick was a clinical psychologist at the VA in Tomah, WI. He was a veteran, a graduate of Northwestern University, and a caring individual who dedicated his career to providing innovative treatments for veterans suffering from PTSD. Most notably, he created a yoga program to help vets at the VA in Chicago. He was known to be very well-liked by the patients he served.

In 2009, Dr. Kirkpatrick expressed concerns that his patients were being heavily overmedicated. It became so bad, he said, that he was unable to properly do his job. He wanted to do what was right for veterans, and as a veteran himself, he couldn't stand to see how careless some of the VA staff were being with high levels of dangerous medications.

Unfortunately, instead of looking into Dr. Kirkpatrick's claims, the facility's chief of staff

told him to mind his own business, and to instead focus on his own work. Shortly thereafter, Dr. Kirkpatrick was called to a disciplinary meeting and given a written reprimand.

This type of retaliation went on for months. Then, in July, Dr. Kirkpatrick complained again that a dangerous veteran had not been properly discharged, despite recommendations from a treatment team. A week after making the complaint, Dr. Kirkpatrick was fired from the VA.

He was devastated. He begged for an opportunity to stay, and expressed concerns that he had been given too many complex cases, and that the emotional toll was too high. Again, his concerns were ignored.

That night, Dr. Kirkpatrick wrote a note to his girlfriend in Chicago, another to the kennel he wanted to take care of his dog, and one final note for the mailman. It read: "Please call 911—tell them to go to red barn building."

He had taken his own life. He was 38 years old.

Dr. Kirkpatrick's death was the product of a broken system—a system that encourages retaliation against whistleblowers, while ignoring the underlying causes of their concerns.

If Dr. Kirkpatrick's death wasn't tragic enough, a subsequent investigation at the VA found that a patient had died from "mixed drug toxicity", and that Dr. Kirkpatrick's concerns were completely warranted.

Not only did whistleblower retaliation cost Dr. Kirkpatrick his life, it cost the life of a patient as well.

That's why I urge you all to vote yes on the Dr. Chris Kirkpatrick Whistleblower Protection Act.

A yes vote means that VA personnel will no longer be able to access a whistleblower's medical records as means of discrediting them, which a separate investigation found happens far too often.

A yes vote means that federal agencies have to notify the Office of Special Counsel when a suicide takes place.

A yes means clear disciplinary actions for supervisors who retaliate against whistleblowers, training for supervisors on how to properly respond, and a requirement that employees are made aware of the mental health services at their disposal.

A yes vote also means keeping upholding normal burdens of proof to strengthen protections for employees. This legislation calls for the Inspector General, Office of Special Counsel, or a Merit Systems Protection Board Administrative Judge to "determine" that a supervisor has committed a prohibited personnel action, meaning through the normal preponderance of the evidence for any other disciplinary action under Chapter 75 of title 5. This does not mean some arbitrary process for some bureaucrat to create later on.

I want to be clear: this legislation strengthens protections for patriots—for those who are trying to do the right thing. For those who care about veterans and their safety. And for folks like Dr. Kirkpatrick, so that no one ever has to go through what he went through.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 562, the previous question is ordered on the bill.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

# MOTION TO RECOMMIT

Mr. O'HALLERAN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. O'HALLERAN. Mr. Speaker, I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. O'Halleran moves to recommit the bill S. 585 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with the following amendment:

At the end of title I the bill, add the following new section:

## SEC. \_\_\_\_ DISCLOSURE OF VIOLATIONS RELATING TO AIR TRANSPORTATION.

This Act, and any amendments made by this Act, shall apply to any employee who makes a protected disclosure of information relating to a violation by the head of an agency, or other political appointee, of any law, rule, or regulation concerning travel, including the improper use of air transportation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona is recognized for 5 minutes in support of his motion.

Mr. O'HALLERAN. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, increasing accountability and transparency across our government is a shared principle we can all agree on among this body. Whether at the VA or other Federal agencies, the American people deserve to know that Federal officials from the top down are being held to the standards we expect of them.

We owe it to our veterans, to our seniors, and to the hardworking American taxpayers to ensure that their tax dollars are utilized appropriately and efficiently, as intended. Waste, fraud, and abuse, have no place at our agencies, and those who help uncover it deserve our admiration and our protection.

I am proud that we are coming together to increase protections for whistleblowers of Federal agencies, a long overdue effort. But, Mr. Speaker, in light of recent reports and events that have revealed a disturbing pattern of improper use of tax dollars on air travel by senior Federal officials, I believe we must go further.

The reports of Cabinet officials abusing the rules for air travel that applied to them are not isolated. Not one, not two, not three, but at least four Cabinet officials are facing scrutiny for irregular and irresponsible use of agency resources for official and nonofficial air travel. In light of Secretary Price's recent resignation, it is clear that Congress must conduct greater oversight.

□ 1345

That is why I am offering this final amendment on the underlying bill.



My amendment simply extends whistleblower protections that are created under the bill to Federal employees who disclose information about travel, including improper use of aircraft.

Not only would this make clear to agencies that any violation of laws, rules, or regulations concerning travel or government aircraft is unacceptable, it will also ensure those who come forward to expose any wrongdoing will have appropriate protection from retaliation.

Regardless of party, those who serve the American public must be held to the highest ethical standards. Our ability to hold government officials accountable to taxpayers is a hallmark of our democracy, and we must work to uphold that principle. The resources invested to agencies to fulfill their missions of serving Americans should not be abused or frivolously flaunted for personal gain or convenience.

This is not about Republicans or Democrats. We must come together to stand up for accountability and transparency. The moment we begin treating disregard for the rules by our elected and appointed officials as partisan politics, we risk ceding the very values that make our democracy great and unique in the world.

Mr. Speaker, I urge my colleagues to join me in supporting my commonsense amendment on behalf of American taxpayers, and I yield back the balance of my time.

Mr. BLUM. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. BLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose the motion to recommit.

This bill addresses critical flaws in how the Federal Government addresses whistleblower retaliation.

The consequences for whistleblower retaliation are very real. There is a chilling effect of whistleblower reports or unjust termination. In some cases, like that of Dr. Kirkpatrick in the Department of Veterans Affairs, the consequences are literally life and death.

We have the opportunity to send this bill to the President for a signature today and fix this now. Why wait? And at what cost to Federal employees, veterans, and taxpayers?

I support the gentleman from Maryland's effort to pass this provision which I previously cosponsored myself, but let's not let one good bill get in the way of another.

Mr. Speaker, I urge my colleagues to oppose the motion to recommit and support the underlying bill, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. O'HALLERAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 48 minutes p.m.), the House stood in recess.

□ 1355

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS of Kentucky) at 1 o'clock and 55 minutes p.m.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 2810, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2810) to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

Mr. LANGEVIN. Mr. Speaker, I have a motion to instruct conferees at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Langevin moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2810 be instructed as follows:

(1) To disagree with subsection (c) of section 336 of the Senate amendment.

(2) To recede from section 1064 of the House bill.

(3) To disagree with section 1087 of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Rhode Island (Mr. LANGEVIN) and the gentleman from Texas (Mr. THORNBERRY) each will control 30 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Army has a surplus of pistols. The M-1911 A-1, a .45-caliber pistol—the Armed Forces standard issue sidearm for more than 50 years—was replaced in the 1980s by a newer model.

Since then the Army has accumulated stores of surplus M-1911 pistols which are housed at taxpayer expense in Alabama.

There is no national security reason to keep these pistols. The Army stopped issuing them 30 years ago, yet the Army has been prevented from disposing of them due to parochial interests tied to the Civilian Marksmanship Program, or CMP.

The CMP's proponents basically want to transfer the pistols to a private corporation so that it can sell them. Do we want this to happen? We have the opportunity in this year's NDAA to stop this transfer of tens of thousands of M-1911 A-1 pistols which constitutes a multimillion-dollar government giveaway.

It is also important to note that this would make our streets more dangerous at a time when gun violence is all too common.

The CMP was established in 1903—just to put this in historical context—following the Spanish-American War when American militiamen demonstrated distressingly poor marksmanship. At that time, our Nation needed a better trained and organized militia, and the CMP helped the government build a broader base of able citizen-soldiers.

Now, the program was an important component of our national defense back then. But today, Mr. Speaker, over a century later, we have a professional military and many rifle clubs, and the CMP is, quite frankly, no longer needed. Congress clearly understood this when it privatized the CMP in 1996.

Now, as an initial capital investment at a time when earmarks were still common, Congress provided the newly chartered corporation with a stock of rifles, ammunition, and other spare parts. The CMP could sell the surplus equipment—mostly M1 Garand rifles—in order to fund its activities until it became self-sufficient.

□ 1400

However, it was never Congress' intent to equip the CMP with handguns, or it would have provided the corporation with surplus M-1911-A1 .45-caliber pistols at that time.

Now, more than two decades later, the CMP is running out of rifles to sell. The reality is that it is in dire financial straits as, more than 20 years later, the program is still reliant on rifle sales to support its activities.

So, Mr. Speaker, it is clearly not the taxpayers' responsibility to bail out the CMP. To do so would be an unprecedented government handout at a time when earmarks have been banned for years.